

## **City of Conyers, Georgia**

### **Title VI Policy & Complaint Procedures**

#### **1. Introduction**

##### **1.1 Purpose**

The purpose of Title VI of the Civil Rights Act of 1964 is to prohibit discrimination on the basis of race, color or national origin in federally assisted programs. The intent of the law is to ensure that all persons, regardless of their race, color or national origin, are allowed to participate in these federally funded programs.

The City of Conyers (City) has established the following procedures to provide monitoring of Title VI compliance activities and complaint processing in all City programs that receive federal funding.

##### **1.2 Policy**

**The City of Conyers is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. The City of Conyers assures that no person shall on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The City of Conyers further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether or not those programs and activities are federally funded. In addition, the City of Conyers will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.**

**As provided under Section 162a of the Federal Aid Highway Act of 1973 (Section 324, Title 23 U.S.C.), the City of Conyers shall not discriminate on the ground of sex, and the City of Conyers shall provide information, as needed, to the Georgia Department of Transportation indicating that the requirements of Section 162a of the Federal-Aid Highway Act of 1973 have been added to its assurances.**

**When the City of Conyers distributes federal-aid funds to sub-recipients, sub-recipients will include Title VI language in all written agreements and will monitor for compliance.**

**The City of Conyers is responsible for initiating and monitoring Title VI activities, preparing required reports and other responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 Code of Federal Regulation 21.**

The City will publicize its Title VI policy statement. The City will take Title VI complaints and will refer any complaints that the City has violated Title VI on a Federal Highway Administration funded program to the Georgia Department of Transportation (GDOT).

### 1.3 Coordinator

The City will appoint one or more Title VI Coordinators to implement and oversee its Title VI Policy and procedures.

## **2. Complaint Procedures**

### 2.1. Required Time to File Complaint

Any complaint to the City should be filed promptly and must be filed not later than one hundred eighty (180) calendar days after the alleged discrimination occurred. The complainant may still file externally within any applicable statute of limitations.

If a complaint is filed within the City and is filed externally during the same time, the external complaint supersedes the internal complaint filing. Accordingly the City's complaint procedures will be suspended pending outcome of the external complaint.

### 2.2 Step 1- Informal Meeting with Department Head

The complainant should provide the basis of the complaint (race, color, national origin) and the nature of the incident that led the complainant to feel that discrimination was a factor.

The department head shall immediately notify the City Title VI Coordinator. The department head shall immediately notify the Georgia Department of Transportation's Title VI Coordinator.

Upon receipt of a complaint, the GDOT Title VI Coordinator will determine jurisdiction. Complaints against the City involving Federal Highway Administration funds will be forwarded to the appropriate State agency, the Georgia Department of Transportation, for proper disposition pursuant to its procedures.

### 2.3 Step 2- Formal complaint to Title VI Coordinator

The complainant should submit his/her complaint to the City in writing with the following information:

1. Name, address and telephone number of the complainant;
2. The location and name of the City department delivering the service;
3. The nature of the incident that led to the complainant to feel that discrimination was a factor;
4. The basis of the complaint (race, color or national origin);
5. Names, addresses and phone numbers of people who may have knowledge of the event; and
6. The date or dates on which the alleged discriminatory event or events occurred.

The City Title VI Coordinator shall notify the department head of the formal complaint and the GDOT Title VI Coordinator. The department head shall provide assistance during the GDOT investigation as requested by the GDOT Title VI Coordinator.

## 2.4 Disposition of Complaints

Within five (5) days of receipt of the complaint, the GDOT Title VI Coordinator will mail an acknowledgement letter to complainant and forward a copy of the letter and the complaint to Federal Highway Administration (FHWA) Headquarter Civil Rights Office (HCR). A determination of GDOT's jurisdiction, need for additional information, as well as the investigative merit of the complaint will be made by the FHWA HCR. FHWA HCR shall assign a control number and adjudicate the case upon receipt of the completed investigative file. Complaints processed by Georgia DOT are bound by the time frames outlined in 23 CFR 200.9(b) (3).

3. A complaint may be dismissed for the following reasons:

- a. The complainant requests the withdrawal of the complaint.
- b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
- c. The complainant cannot be located after reasonable attempts.

4. The complaint will be logged in and shall identify its basis and alleged harm along with the race, color, national origin, and gender of the complainant.

5. In cases where GDOT assumes the investigation of the complaint, the GDOT Title VI Coordinator will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days to submit his/her response to the allegations to the GDOT Title VI Coordinator.

6. Within 60 calendar days of the acceptance of the complaint, the GDOT Title VI Investigator will prepare an investigative report inclusive of a narrative description of the incident, all evidentiary support documentation from each party, identification of persons interviewed, findings, and recommendations for disposition for review by the EEO Assistant Administrator before submitting the file to FHWA HCR.

7. Once review by the GDOT EEO Assistant Administrator is complete, the file will be submitted to FHWA HCR in Washington DC for adjudication. FHWA HCR will apprise all parties involved of its record of decision and appeal rights.

8. If the complainant is not satisfied with the results of the investigation, she/he shall be advised of their rights to appeal GDOT's opinion to the FHWA — Georgia Division Office, USDOT or USDOJ. Appeals must be filed within 180 days after GDOT's final resolution. Unless new facts not previously considered come to light, reconsideration of the appeal shall be denied.

9. The GDOT Title VI Coordinator will set a mutually agreed-upon time and place for the review process with the complainant-appellant and/or representatives and the City Manager or designee within thirty (30) days of the request. The complainant-appellant may submit documents or other information to be included with the record and considered in the review process. A record of the review will be kept by the City.

10. A complainant's right to a prompt and equitable resolution of the complaint will not be impaired by the complainant's pursuit of other remedies. Use of this complaint procedure is not a prerequisite to the pursuit of other remedies.

#### 2.6 Complaint Log

The City Title VI Coordinator will maintain a Title VI complaint log to show identifying information type, and status of each complaint filed, including those filed under this procedure. When any investigation is concluded, the Coordinator will keep a copy of the report on permanent file.

### 3. Limited English Proficiency Policy

The City of Conyers is committed to providing quality services to all citizens, including those who do not speak English as their primary language, and who have a limited ability to read, speak, write, or understand English. These individuals may be considered Limited English Proficient, or "LEP," and may be entitled to language assistance.

As a recipient of Federal Transportation Funding, the City of Conyers must take reasonable steps to ensure meaningful access to its programs and activities by LEP persons. The U.S. Department of Transportation recommends analyzing the following four factors to determine the level and extent of language-assistance measures required within the grantee's area of responsibility:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
2. The frequency with which LEP individuals come in contact with the program;
3. The nature and importance of the program, activity, or service provided by the program to people's lives; and
4. The resources available to the grantee/recipient or agency, and costs.

The intent of this policy is to find a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on the City or department. Specific steps to be taken, in terms of translation or language interpretation, will depend on the situation at the time, from coordination with LEP individuals and the organizations that serve them and from analysis of the City of Conyers's existing resources and the costs of providing language assistance.

Date

June 17, 2015

By

Randal S. Mills, Mayor

Signature of Authorized Official